

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERMAR WYNEAL GIBSON,

Petitioner,

Case Number 2:18-CV-11785

HONORABLE DENISE PAGE HOOD

v.

UNITED STATES DISTRICT JUDGE

KENNETH ROMANOWSKI,

Respondent,

_____ /

**OPINION AND ORDER DENYING THE MOTION FOR AN EXTENSION
OF TIME TO FILE A MOTION FOR A CERTIFICATE OF
APPEALABILITY (ECF No. 12).**

Jermar Wyneal Gibson, (“Petitioner”), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court denied the petition, declined to issue a certificate of appealability, but granted petitioner leave to appeal *in forma pauperis*. *Gibson v. Romanowski*, No. 2:18-CV-11785, 2022 WL 286181 (E.D. Mich. Jan. 31, 2022).

Petitioner has filed a motion for an extension of time to file a motion for a certificate of appealability. As noted by the Court in its January 31, 2022 opinion, the Rules Governing Section 2254 Cases directed the district courts to issue or deny a certificate of appealability in any final order adverse to the applicant. (ECF No. 10, PageID.3711 n. 3) The Court denies the motion because any such motion would

be an untimely motion under Rule 59(e) of the Rules of Civil Procedure (“A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.”). The Court has no authority to extend the time under Rule 59(e). Fed. R. Civ. P. 6(b)(2).

IT IS HEREBY ORDERED that the motion for an extension of time to file a motion for a certificate of appealability (ECF No. 12) is DENIED.

s/Denise Page Hood

HON. DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

Dated: March 30, 2022